

IN THE SUPERIOR COURT OF SUSSEX COUNTY OF THE STATE OF DELAWARE

STATE OF DELAWARE

V..

CASE NO. 0207014771

DATE AUGUST -4-2005

MR. JEFFERY ALONZO SIMMS #198625

DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

0 5 5 9 3

FILED

AUG 11 2005

U.S. DISTRICT COURT
DISTRICT OF DELAWARE

AMENDMENT MOTION FOR POST-CONVICTION RELIEF, AND STATEMENT OF CLAIMS

TO: THE HONORABLE COURT AND THE HONORABLE JUDGE RICHARD F. STOKES AND CLEPK OF THE SUPERIOR COURT OF SUSSEX COUNTY DELAWARE
PLEASE BE ADVISED, THE DEFENDANT REQUEST THE EARLIEST POSSIBLE COURT DATE IN THE MATTER OF POST- CONVICTION RELIEF AND GROUNDS TO SUPPORT MOTION FOR RELIEF AND HERETO, STATEMENT OF CLAIMS PURSUANT TO DEL. CODE ANNOTATED TITLE 11 §§ 126 12-

(11 DEL.C. 1953, § 1211;58)

12- 1201-1208 OF TITLE 11 AND 1209-1211

SUBPART B. ABUSE OF A OFFICE: IN THIS JURISDICTION IT IS UNLAWFUL FOR DELAWARE STATE POLICE OR ANY OTHER AGENCY CONTAIN OFFICIAL MISCONDUCT: (1) A PUBLIC SERVANT IS GUILTY OF OFFICIAL MISCONDUCT AND A SWORN SERVANT OF THE LAW WHEN, THE INTENDING TO OBTAIN A PERSONAL BENEFIT OR TO CAUSE HARM TO ANOTHER PERSON; THE SWORN SERVANT COMMITS AN ACT CONSTITUTING AN UNAUTHORIZED EXERCISE OF OFFICIAL FUNCTIONS, KNOWING THAT THE ACT IS UNAUTHORIZED; OR (2) THE SWORN SERVANT KNOWINGLY REFRAINS FROM PERFORMING A DUTY WHICH IS IMPOSED BY LAW OR IS CLEARLY INHERENT IN THE NATURE OF THE OFFICE; OR (3) THE SWORN SERVANT PERFORMS OFFICIAL FUNCTIONS IN A WAY INTENDED TO BENEFIT THE SWORN SERVANTS OWN PROPERTY OR FINANCIAL INTEREST UNDER CIRCUMSTANCES IN WHICH THE PUBLIC SERVANTS ACTION WOULD NOT HAVE BEEN REASONABLY JUSTIFIED IN WHICH THE PUBLIC IN THE CONSIDERATION OF THE FACTORS WHICH OUGHT TO HAVE BEEN TAKEN INTO ACCOUNT IN PERFORMING OFFICIAL FUNCTIONS; OR (4) THE SWORN SERVANT KNOWINGLY PERFORMS OFFICIAL FUNCTIONS IN A WAY INTENDED TO PRACTICE DISCRIMINATION ON THE BASIS OF RACE, CREED, COLOR, SEX, OFFICIAL MISCONDUCT IS A CLASS A MISDEMEANOR AGE, HANDICAPPED STATUS OR NATIONAL ORIGIN. DEL. LAWS, c. 497, § 1; 61 DEL. LAWS c. 327 § 1; 64 DEL. LAWS c. 48 § 1; 67 DEL. LAWS c. 130, § 8; 70 DEL. LAWS, c. 186, § 1.)

- (5) FURTHERMORE STATEMENT OF CLAIMS OF RELIEF AND SUPPORT FACTORS: (THE WERE ARRESTED ON JULY 21, 22, -2002 BY OFFICER OF THE DELAWARE STATE POLICE TROOP (40) 330 SOUTH DUPONT HIGHWAY GEORGETOWN, DELAWARE 19947 AND WERE FOUND BY JURY SWORN TO INQUIRE INTO THE MATTER BASICALLY FOUND GUILTY OF LESSER COUNTS BURGLARY, ASSAULT, CHILD-ENDANGERMENT, ON MARCH-11-2003 IN THE SUPERIOR COURT SUSSEX COUNTY DELAWARE
(5) THE DEFENDANT SEEK FULL RELIEF AND EXONERATE OS OF SENTENCE,

AND DELAWARE STATE POLICE PERJURY IN THE CASE AND MR. KARL HALLE, INEFFECTIVE ASST. OF COUNSEL (PERJURY WAS AN OFFENSE AT COMMON LAW. STATE V. SHAFFNER, 22 DEL. 576, 69 A. 1004 (1908)).

MOVANT -

MR. JEFFERY ALONZO SIMMS #198625 S.B.I. DATE
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

CASE NO. 0207014771
DATE JULY AUGUST 4-2005

CERTIFICATE OF SERVICE

I, MR. JEFFERY ALONZO SIMMS #198625 HEREBY ON THIS DAY 4 AND
YEAR 2005 HAVE CONTACTED THE CLERK OF THE COURT AND SENT
TRUE AND CORRET CORRECT COPIES THREW THE WAY OF COMMUNICATE
SERVICE AND UNITED STATES POSTAL SERVICE SERVICE TO THE
FOLLOWING ADDRESS:

(HONORABLE JUDGE RICHARD F. STOKES)

PROTHONOTARYS OFFICE
1 THE CIRCLE # SUITE 2
GEORGETOWN, DELAWARE 19947_f1502
(E MELANIE WITHERS D.S.)

SUSSEX COUNTY COURTHOUSE
1 THE CIRCLE SUITE 2
GEORGETOWN, DELAWARE 19947

14 DEPARTMENT OF JUSTICE
114 e. MARKET STREET
GEORGETOWN, DELAWARE 19947
(HONORABLE JUDGE SUE L. ROBINSON)

UNITED STATES DISTRICT COURT
844 N. KING STREET
WILMINGTON, DELAWARE 19801-3570

MR. JEFFERY ALONZO SIMMS #198625